

## **REMARKS**

Entry of the foregoing amendments is respectfully requested.

### **Summary of Amendments**

Upon entry of the foregoing amendments, claims 1 and 3-14 are cancelled and claims 15-34 are added, whereby claims 15-34 will be pending, with claims 15, 26 and 34 being independent claims. Support for the new claims can be found throughout the present specification (and in particular, at page 6 thereof) and in the original claims.

Applicants emphasize that the cancellation of claims 1 and 3-14 is without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute these claims in one or more continuation and/or divisional applications.

### **Summary of Office Action**

As an initial matter, Applicants note with appreciation that the Examiner has indicated consideration of the Information Disclosure Statement filed December 6, 2006 by returning a signed and initialed copy of the Form PTO-1449 submitted therein.

Applicants also note with appreciation that the Examiner has acknowledged the claim of foreign priority and the receipt of copies of the certified copies of the priority documents from the International Bureau.

Claims 1 and 3-14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Takeuchi et al., U.S. Patent No. 5,624,962 (hereafter "TAKEUCHI").

Claims 6 and 7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Pan et al., U.S. Patent No. 5,912,007 (hereafter "PAN").

Claims 1 and 3-14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lapidus, U.S. Patent No. 5,543,148 (hereafter "LAPIDUS").

**Response to Office Action**

Withdrawal of the rejections of record is respectfully requested, in view of the foregoing amendments and the following remarks.

***Response to Rejection of Claims under 35 U.S.C. § 102(b) over TAKEUCHI***

Claims 1 and 3-14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by TAKEUCHI.

Applicants respectfully disagree with the Examiner in this regard. At any rate, it is evident that the subject matter of the independent claims submitted herewith is not anticipated by TAKEUCHI. In particular, the compositions of TAKEUCHI which are capable of reversible thermosetting gelation so that they form a gel at body temperature immediately after administration (see, e.g., Abstract of TAKEUCHI) are not encompassed by the present claims because they are apparently not suitable for injection in oral surgery or dental treatment (see present independent claims 15 and 34). Further, there is no indication in TAKEUCHI that the compositions disclosed therein may have an osmotic pressure ratio of about 0.8-1.3 (see present independent claim 26).

For the above reasons alone TAKEUCHI is unable to anticipate the subject matter of any of the present claims, wherefore withdrawal of the rejection under 35 U.S.C. § 102(b) over TAKEUCHI is warranted and respectfully requested.

***Response to Rejection of Claims under 35 U.S.C. § 102(b) over LAPIDUS***

Claims 1 and 3-14 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by LAPIDUS.

Applicants respectfully disagree with the Examiner in this regard as well. At any rate, it is evident that the subject matter of the independent claims submitted herewith is not anticipated by LAPIDUS, either. In particular, the stick compositions of LAPIDUS are apparently not suitable for injection in oral surgery or dental treatment (see present claims 15 and 34). Further, it appears evident that the stick compositions of LAPIDUS do not have an osmotic pressure ratio of about 0.8-1.3 (see present claim 26).

For the above reasons alone LAPIDUS is unable to anticipate the subject matter of any of the present claims, wherefore withdrawal of the rejection under 35 U.S.C. § 102(b) over LAPIDUS is warranted and respectfully requested as well.

***Response to Rejection of Claims under 35 U.S.C. § 102(b) over PAN***

Claims 6 and 7 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by PAN.


Applicants respectfully disagree with the Examiner in this regard as well but note that the claims submitted herewith do not comprise claims which correspond to claims 6 and 7, thereby rendering this rejection moot.

**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, which action is respectfully requested. If any issues yet

remain which can be resolved by a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,  
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